



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 3, 2021

BY ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Application Granted. The Government shall submit video exhibits by **December 6, 2021**. Defendant's submission shall be filed by **December 6, 2021**. The Government's submission shall be filed by **December 13, 2021**. The parties shall appear for a sentencing hearing on **January 10, 2022, at 10:30 a.m.** The Clerk of the Court is directed to terminate the letter motion at docket number 50.

Dated: November 10, 2021

Re: *United States v. Tony Tartt, 20 Cr. 339 (LGS)*

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Dear Judge Schofield:

The Government writes on behalf of both parties to update the Court regarding the anticipated scope of the upcoming sentencing hearing for defendant Tony Tartt.

As the Court is aware from prior correspondence, the parties disagree as to whether the defendant's conduct in committing the shooting in this case constitutes attempted murder under the Sentencing Guidelines—specifically, whether the evidence supports an inference that the defendant had intent to kill when he fired the gun. After consultation, the parties have agreed to submit the surveillance video of the shooting to the Court for consideration and then to make arguments about the appropriate inference of intent to be drawn from the video. The parties agree that a full *Fatico* hearing is unnecessary, as neither side intends to call any witnesses. Accordingly, the parties respectfully propose the following schedule:

- Government to submit video exhibits by Dec. 6, 2021
- Defense sentencing submission due Dec. 6, 2021
- Government sentencing submission due December 13, 2021
- Sentencing proceeding to occur the week of December 20, 2021 at a date and time selected by the Court

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by:

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cc: Matthew Kluger, Esq. (by ECF)